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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,208

12/31/2003

Kitahiro Kaneda

03500.013552.1

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08/31/2006

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EXAMINER

SINGH, RACHNA

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,208	<b>Applicant(s)</b> KANEDA ET AL.	
	<b>Examiner</b> Rachna Singh	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25-27, 29-34, 36-41 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-27, 29-34, 36-41, and 43-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/22/06 has been entered.

2. Claims 25-27, 29-34, 36-41, and 43-45 are pending in the case. Claims 25, 32, and 39 are independent claims. Claims 25, 31, 32, 38, 39, and 45 have been amended.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25, 31-32, 38-39 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulead Systems, Inc., "PhotoImpact Version 3.0", Copyright 1992-1995 (English Edition January 1996), Pages 90-92 and 155-156.

Regarding claim 25, PhotoImpact teaches an image processing method for processing an input document image which meets the preamble, ***“an image processing method for processing an input document image”***. See pages 90-92 and 155-156.

PhotoImpact teaches providing a user with the option of automatically enhancing an image by rotation or distortion using the AutoProcess Straighten command or manually enhancing an image by rotation or distortion using a transform tool which meets the limitation, ***displaying an instruction window to receive both a first instruction and second instruction from a user, wherein the first instruction indicates whether the orientation of the document image should be corrected automatically or manually, and wherein the second instruction indicates whether or not a tilt of the document image should be automatically corrected***. See pages 90-92 and 155-156.

PhotoImpact teaches taking an image and transforming the orientation of the image using the Edit: Rotate & Flip submenu. See pages 155-156. The images can be rotated by 90 degrees, 180 degrees, or 270 degrees using a Transform tool or can be rotated by 90 degrees, 180 degrees, or 270 degrees using the AutoProcess Straighten command which meets the limitation, ***determining, based on the first instruction received in the instruction input window, whether the user has instructed that the orientation of the document image should be corrected automatically or manually***. Based on one of either the Transform tool or AutoProcess Straighten command, the image is rotated either 90 degrees, 180 degrees, or 270 degrees which

meets the limitation, ***automatically discriminating the orientation of the document image as one of 0, 90, 180, and 270 degrees if it is determined in said determining step that the user has instructed that the orientation of the document image should be automatically corrected and automatically rotating the document image based on the discriminated orientation of the document image if it is determined in said determining step that the user has instructed that the orientation of the document image should be automatically corrected; and rotating the document image according to a rotation angle of one of 0, 90, 180, and 270 degrees instructed by the user if it is determined in said determining step that the user has instructed that the orientation of the document image should be manually corrected.***

The image can also be rotated or distorted by an angle other than 90 degrees, 180 degrees, or 270 degrees. See pages 90-92 and 155-156. PhotoImpact teaches providing a user with the option of automatically enhancing an image by rotation or distortion using the AutoProcess Straighten command or manually enhancing an image by rotation or distortion using a transform tool which meets the limitation ***if it is determined based on the second instruction that the tilt of the document image should be automatically corrected, automatically correcting the tilt of the document image which is rotated in said automatic rotating step or in said rotating step, wherein said automatic correction step does not execute automatic correction of the tilt of the document image which is rotated in said automatic rotating step or in said rotating step if it is determined based on the second***

***instruction that the tilt of the document image should not be automatically corrected.*** See pages 90-92 and 155-156.

Claims 32 and 39 are rejected under the same rationale as claim 25 above.

In reference to claim 30, PhotoImpact teaches automatically straightening the orientation and tilt of an image if the user chooses the AutoProcess option. The AutoProcess Straighten command will either tilt or rotate the image to correctly display the image. See pages 90-92 and 155-156.

Claims 37 and 44 are rejected under the same rationale as claim 30 above.

In reference to claim 31, PhotoImpact the image can also be straightened by an angle other than 90 degrees, 180 degrees, or 270 degrees. See pages 90-92 and 155-156.

Claims 38 and 45 are rejected under the same rationale as claim 31 above.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26-27, 29-30, 33-34, 36-37, 40-41 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulead Systems, Inc., "PhotoImpact Version 3.0", Copyright 1992-1995 (English Edition January 1996), Pages 90-92 and 155-156, as applied to claims 25, 32, and 39 above, and further in view of Onda, US 5,077,811, 12/31/91.

In reference to claim 26, PhotoImpact does not teach an automatic discrimination step includes outputting data indicating the orientation cannot be discriminated; however, Onda discloses an image orientation detection means for detecting whether the orientation of the character image is in a correct orientation. See abstract and column 2, lines 66-68-column 3, lines 1-17. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the automatic discrimination step outputting data indicating the orientation cannot be discriminated of Onda within the system of PhotoImpact because it indicates to the user whether or not the orientation of the image is correct in order to determine whether the image should be rotated in order to correctly display the document image. See column 1 and column 2, lines 3-52.

In reference to claim 29, PhotoImpact does not teach storing the outputted data as information relating to the document image when the orientation cannot be discriminated; however, Onda discloses an image orientation detection means for detecting whether the orientation of the character image is in a correct orientation. See abstract and column 2, lines 66-68-column 3, lines 1-17. It would have been obvious to a person of ordinary skill in the art at the time of the invention to store the outputted data as information relating to the document image when the orientation cannot be discriminated as taught by Onda in the system of PhotoImpact because it indicates to the user whether or not the orientation of the image is correct in order to determine whether the image should be rotated in order to correctly display the document image. See column 1 and column 2, lines 3-52.

In reference to claim 27, PhotoImpact does not teach the automatic discrimination step includes discriminating the orientation by character recognizing character images. However, Onda teaches the system includes a data processing means including a character image discriminating means for discriminating a character image from a picture image orientation detecting means for detecting orientation of the character image to determine whether the orientation of the character image is in a correct orientation and an image rotation means for processing the image signals to rotate the image so that the image is correctly oriented. See column 2, lines 14-31. It would have been obvious to a person of ordinary skill in the art at the time of the invention discriminate the orientation using character image discrimination as taught by



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Onda in the system of PhotoImpact because it indicates to the user whether or not the orientation of the image is correct in order to determine whether the image should be rotated in order to correctly display the document image. See column 1 and column 2, lines 3-52.

Claims 33-34 and 36 are rejected under the same rationale used in claims 26-27 and 29 respectively above.

Claims 40-41 and 43 are rejected under the same rationale used in claims 26-27 and 29 respectively above.

### ***Response to Arguments***

7. Applicant's arguments and amendments filed 06/22/06 have been fully considered.

Applicant argues Onda does not teach making a tilt correction, only correcting the orientation of the document image. Applicant further argues that the step of making an orientation correction and a tilt correction are distinct. Applicant further argues Okamura does not teach correcting inaccuracies in tilt or automatic correction in tilt. Examiner disagrees that there is a distinction between an orientation correction and a

tilt correction because both orientation and tilt require rotating the image by a specified angle as taught by both references. In an effort to further prosecution, however, Examiner has applied PhotoImpact to address Applicant's concern that an orientation correction and a tilt correction are different.

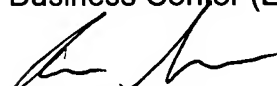
In view of the comments above, the rejection is maintained.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Rachna Singh  
08/28/06